

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al.	)	
	)	
Plaintiff	)	
	)	
v.	)	Case No. 4:05-cv-00329-TCK -SAJ
	)	
TYSON FOODS, INC., et al.	)	
	)	
Defendants	)	
	)	

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**SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO INTERVENE**

In support of their Supplemental Brief in Support of their Motion to Intervene, the State of Arkansas and the Arkansas Natural Resources Commission (collectively “Arkansas”) respectfully state as follows:

As stated in the Motion to Intervene, in 1970, Arkansas and Oklahoma entered into an interstate compact to address issues of water quality and apportionment in the Arkansas River Basin. This compact is administered by a Commission - comprised of three representatives from each State and, at times, a single non-voting federal representative appointed by the President. Over the years, the Commission has engaged in a number of activities aimed at addressing pollution levels in and around the Arkansas River and its watersheds.

Despite the actions taken under the Compact and individually, Oklahoma apparently remains unsatisfied with the Commission’s and Arkansas’ attempts to address these water quality concerns from agricultural run-off. Rather than proceeding pursuant to the Compact, however, Oklahoma has taken unilateral action aimed at abating alleged pollution emanating from Arkansas.

Oklahoma seeks to circumvent a process established by Compact, which provides for the resolution of these issues through negotiation and collaboration, a process that was both achieving real progress at addressing issues of water pollution and preserving the fundamental tenet that Oklahoma and Arkansas, as sovereign States, cannot be subjected to each others' laws.

The chilling effect Oklahoma's lawsuit has had on the progress being made by the Compact Commission was recently noted by the federally appointed Chairman of the Commission, Richard Seybolt when he gave his "report" at the Commission meeting held on September 28, 2006:

We have had two years of excellent dialogue, three years actually, of excellent dialogue between the two states and the two entities within the states that are very interested in the water quality situation and I thought we had made great strides in developing a monitoring plan and I thought we had a very good situation; but unfortunately the legal aspects of our society have taken over and we are at a standstill, basically, between the two states until we can get resolution of the lawsuit that was filed by the State of Oklahoma.

See affidavit of Randy Young, attached as Exhibit "1".

The tragic fact is, regardless of motivation, this very contentious and misguided lawsuit has resulted in the virtual cessation of the actual progress being made, through the collaborative process mandated by law, by the state agencies that have the expertise and are charged with the duty of monitoring the water quality in the Illinois River Watershed; agencies whose cooperative efforts were being facilitated through the Compact Commission. While lawyers argue, the real efforts to improve the watershed are, according to the Commission Chairman, "at a standstill."

Accordingly, Arkansas again respectfully requests that this Court grant its Motion to Intervene and direct the Clerk of the Court to file its Motion to Dismiss.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that on the 5<sup>th</sup> day of January, 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System.

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CHICKEN, INC.; AND COBB-  
VANTRESS, INC.**

s/William B. Federman  
William B. Federman

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TYSON FOODS, INC., et al.	)	
	)	
Defendants	)	
	)	

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**AFFIDAVIT OF J. RANDY YOUNG, P.E.**

Comes now the Affiant, J. Randy Young, who states and alleges the following:

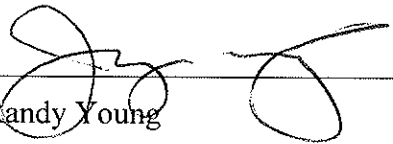
1. My name is J. Randy Young and I am the Executive Director of the Arkansas Natural Resources Commission. I am also one of the three commissioners representing the State of Arkansas at the Arkansas-Oklahoma Arkansas River Compact Commission ("Compact Commission"). I have served on the Compact Commission for 21 consecutive years.
  
2. I was in attendance at the most recent meeting of the Compact Commission, held on September 28, 2006. At that time, Richard Seybolt, the federally appointed Chairman of the Commission gave his report which included the following statement:

We have had two years of excellent dialogue, three years actually, of excellent dialogue between the two states and the two entities within the states that are very interested in the water quality situation and I thought we had made

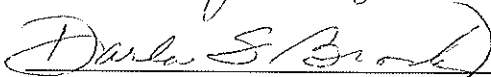
great strides in developing a monitoring plan and I thought we had a very good situation; but unfortunately the legal aspects of our society have taken over and we are at a standstill, basically, between the two states until we can get resolution of the lawsuit that was filed by the State of Oklahoma.

3. I have been very concerned that the progress the states have made through the cooperative efforts of their agencies, as facilitated through the Compact Commission, to enhance water quality and monitoring efforts in the Illinois River Watershed, has been stymied by the lawsuit the State of Oklahoma has filed against the various poultry integrators that contract with farmers in both Oklahoma and Arkansas.
4. It is my belief that the Compact Commission is the proper entity to address issues of interstate water quality in the Illinois River Basin, as it has done in the past, through facilitating the cooperative efforts of the agencies in both states charged with the duty of addressing water quality issues in their respective states.
5. In my years on the Commission there has been progress made toward improving water quality in the shared watersheds governed by the Arkansas-Oklahoma Arkansas River Basin Compact. Since the filing of *State of Oklahoma et al. v. Tyson Foods, Inc. et al.*, I have noticed a decline of cooperative efforts and a chilling effect to the exchange of information among the state agencies in Oklahoma with which our agencies in Arkansas have worked in the past to address water quality issues.

I declare that the foregoing is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
J. Randy Young

Subscribed and Sworn to before me this 2<sup>nd</sup> day of January, 2006

  
\_\_\_\_\_  
Notary Public

